

**STATEMENT OF LEGAL ISSUES**

Four issues challenge RC's intentional discrimination, where RC adopted and enforced a resolution over ordinances and RC refused to correct its admittedly arbitrary Floodway zoning boundary to the actual floodway boundary as RC does for others:

1. Whether RC's Resolution, which supplements and changes 100-year flood boundaries, regulations and restrictions in codified RC Ords. 1393 and 1434 with 500-year flood boundaries, regulations and restrictions upstream of Chapel Lane is void and unenforceable for violating SDCL § 11-4-8 and codified Ords. 1393, 1434?

Most Relevant Authority

SDCL § 11-4-8; SDCL § 9-19-1

RC Ords. 1393, 1434, 2086, 2753, 3068; RCMC 17.04, 17.08, 15.32

2. Whether Ord. 1522 originally setting the Floodway zoning boundary contrary to Ord. 1393 by arbitrarily zoning non-floodway land as Floodway is arbitrary, void, unenforceable and fails to encourage appropriate use of buildable non-floodway land?

Most Relevant Authority

RC Ord. 1393

SDCL § 11-4-3

3. Whether RC's enforcement of the Resolution to intentionally discriminate against Tracy by refusing to correct the arbitrary Floodway boundary to the floodway as RC does for others per Ord. 1393 violates Tracy's legal and constitutional rights?

Most Relevant Authority

U.S. Constitution, Amendments V, XIV, § 1

S.D. Constitution, Article VI, §§ 2, 13, 18

4. Whether dismissal of Complaint Counts 2-5, which provide remedies for RC acts described in Legal Issues 1-3, was improperly based on SDCL § 11-4-25?

Most Relevant Authority

SDCL § 11-4-25